

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-15958 - APPLICANT/OWNER: CS4015, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Extension of Time will expire on September 18, 2008 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Extension of Time (EOT-5070) and Site Development Plan Review [Z-0067-99(2)] as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for an Extension of Time of an approved Site Development Plan Review [Z-0067-99(2)] that allowed a Tavern and Convenience Store with Fuel Pumps on 2.0 acres adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.

**EXECUTIVE SUMMARY**

This is the second request for an extension of time for the approved Site Development Plan Review [Z-0067-99(2)]. The applicant indicates that the extension of time is needed due to delays in the dedication of B.L.M. land and the opening of the Lone Mountain Road exit onto the beltway. Therefore, the subject extension of time can be supported as conditioned.

**BACKGROUND INFORMATION**

**A) *Related Actions***

- |          |   |
|----------|---|
| 06/14/99 | The City Council approved a Rezoning (Z-0024-99) to PD (Planned Development) on adjacent properties as part of a larger request. The Planning Commission and staff recommended approval.  |
| 11/01/00 | The City Council approved a Rezoning (Z-0067-99) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation to PD (Planned Development) on the subject site as part of a larger request. The Planning Commission and staff recommended denial.  |
| 09/18/02 | The City Council approved a Major Modification [Z-0024-99(44)] to the Lone Mountain West Master Development Plan to add approximately five acres to the Plan and to designate the northern half as Village Commercial and the southern half as Medium-Low Density Residential; a Special Use Permit (U-0081-02) for the proposed sale of Packaged Liquor for off-premise consumption; a Special Use Permit (U-0082-02) for proposed Gasoline Sales; a Special Use Permit (U-0083-02) for a proposed Tavern, and a Site Development Plan Review [Z-0067-99(2)] for the tavern and convenience store on the subject site. Planning Commission and staff recommended approval. The approvals expired September 18, 2004. |
| 10/06/04 | The City Council approved three related cases. Extension of Time (EOT-5064) of an approved Special Use Permit (U-0081-02) for the sale of Packaged Liquor for Off-Premise Consumption in conjunction with a Convenience Store; Extension of Time (EOT-5066) of Special Use Permit (U-0082-02) for Gasoline Sales in conjunction with a Convenience Store; and an Extension of Time (EOT-5070) of Site Development Plan Review [Z-0067-99(2)] for a Convenience Store with Gasoline Pumps and a Tavern.  |

09/20/06      The City Council will consider three related Extension of Time applications. Extension of Time (EOT-15961) of an approved Special Use Permit (U-0083-02) that allowed a Tavern, Extension of Time (EOT-15962) of an approved Special Use Permit (U-0082-02) that allowed Gasoline Sales in conjunction with a proposed Convenience Store and an Extension of Time (EOT-15963) of an approved Special Use Permit (U-0081-02) that allowed the sale of Packaged Liquor for Off-Premise Consumption in conjunction with a Convenience Store.

***B) Pre-Application Meeting***

A pre-application meeting is not required for an Extension of Time request.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres:                      2.00 (87,217 square feet)

***B) Existing Land Use***

Subject Property:      Undeveloped  
North:                      Gravel Pit  
South:                      Single Family Dwellings  
East:                       Multi-Family Housing  
West:                       Single Family Dwellings

***C) Planned Land Use***

Subject Property:      PCD (Planned Community Development)  
North:                      PCD (Planned Community Development)  
South:                      PCD (Planned Community Development)  
East:                       MLA (Medium-Low Attached Density Residential)  
West:                       PCD (Planned Community Development)

***D) Existing Zoning***

Subject Property:      PD (Planned Development) [VC (Village Commercial) Lone Mountain West Special Land Use Designation]  
North:                      U (Undeveloped) under Resolution of Intent to PD (Planned Development)  
South:                      PD (Planned Development) [VC (Village Commercial) Lone Mountain West Special Land Use Designation]  
East:                       R-PD12 (Residential Planned Development – 12 Units per Acre)  
West:                       PD (Planned Development) [ML (Medium-Low Density Residential) Lone Mountain West Special Land Use Designation]

***E) General Plan Compliance***

The subject site is designated as PCD (Planned Community Development) on the Centennial Hills Interlocal Land Use Plan (Map 3) of the Centennial Hills Sector Plan of the General Plan. The existing PD (Planned Development) zoning on the property is consistent with this designation.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Lone Mountain West	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**ANALYSIS**

***A) General Analysis and Discussion***

The previous Extension of Time (EOT-5070) was approved by the City Council on 10/06/04. The site was originally approved with the subject Site Development Plan Review [Z-0067-99(2)] and three related cases; Special Use Permit (U-0081-02), Special Use Permit (U-0082-02) and Special Use Permit (U-0083-02). Since the original approval, there has been one extension of time for each of the above mentioned applications. The applicant has indicated that the proposed development is not viable until future B.L.M. dedications and off-ramps onto the beltway open. Therefore, staff is recommending approval of the subject extension of time and the related cases.

***B) Previous Conditions of Approval from Extension of Time (EOT-5070) and Site Development Plan Review [Z-0067-99(2)]***

***(EOT-5070)***

1. This Extension of Time will expire on September 18, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Site Development Plan Review [Z-0067-99(2)] and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

***[Z-0067-99(2)]***

1. The impact statement required by Senate Bill 191 in accordance with the requirements of Ordinance No. 5227 shall be submitted to the Planning and Development Department with application for final approval action on the Site Development Plan Review.

2. An elevation review shall be approved by the Planning Commission prior to approval of issuance or any permits, any site grading, and all development activity on this site.
3. The site plan and landscape plan submitted shall be revised to depict within the northern portion of the site the required transportation trail required by Master Plan Transportation Trails Element Plan, prior to approval of issuance or any permits, any site grading, and all development activity on this site.
4. The site plan shall be revised to depict a minimum of two loading spaces, one loading space on each building, to Municipal code Title 19A.10.020 standards.
5. The site plan is revised to depict one van accessible parking space
6. Freestanding signage shall be limited to a maximum height of twelve feet. All freestanding signs shall utilize materials and colors reflecting the building design.
7. Contribute \$38,700 toward the development of park 2 (in lieu of Open Space), prior to the issuance of any permits, site grading, and all development activity on this site.
8. No utility vault exceeding 27 cubic feet in size may encroach into approved landscape areas along public street frontages. Additionally, no waivers from required landscaping or approved signage standards shall be allowed due to the placement of any utility vaults.
9. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed buildings. Lighting standards within the parking lots shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights.
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All exterior lighting shall meet the standards of LVMC section 19A.08.060(C).
12. Dedicate 40 feet of right-of-way adjacent to this site for Cliff Shadows Parkway, 30 feet for Peaceful Dawn Avenue, a 20 foot radius on the northwest corner of Cliff Shadows Parkway and Peaceful Dawn Avenue, and a 25 foot radius on the southwest corner of Lone Mountain Road and Cliff Shadows Parkway prior to the issuance of permits for this site.
13. Construct half-street improvements including appropriate overpaving, if legally able, on Lone Mountain Road, Peaceful Dawn Avenue, and Cliff Shadows Parkway adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.

14. Extend public sewer in Lone Mountain Road to the northwest corner of this site to a depth and location acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
15. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
16. An update to the Lone Mountain West Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map further subdividing this site, whichever may occur first. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits or the recordation of a Map further subdividing this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map further subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map further subdividing, whichever may occur first, if allowed by the City Engineer.

18. Site development to comply with all applicable conditions of approval for Z-67-99 and all other subsequent site-related actions.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

Staff finds this proposed commercial development will be appropriate, in terms of the type and intensity of anticipated uses, as neighborhood-serving retail, restaurant and professional office uses for existing and planned residential development in the surrounding area.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

Staff finds the proposed project consistency with Title 19A and applicable Lone Mountain West Development Plan and Lone Mountain Master Plan plans, policies and standards will be determined with implementation of the recommended conditions requiring appropriate landscaping, building configurations, building elevations, and signage be approved by the Planning Commission prior to issuance any permits, any site grading, and all development activity on this site.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

Staff finds the proposed project will direct traffic onto planned roads to be built to City standards for primary and secondary streets, and will thereby not negatively impact adjacent roadways or residential neighborhood traffic.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

Staff finds the appropriateness of proposed building and landscape materials for the Lone Mountain and Lone Mountain West planning areas will be determined with implementation of the recommended condition requiring appropriate site landscaping, building elevations, and pedestrian plazas be approved by the Planning Commission prior to issuance any permits, any site grading, and all development activity on this site.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Staff finds the aesthetic characteristics of the project will be determined with implementation of the recommended condition requiring appropriate site landscaping, building elevations, visual screening, signage and outdoor lighting be approved by the Planning Commission prior to issuance any permits, any site grading, and all development activity on this site.

**6. “Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

Staff finds the proposed development will be subject to regular inspections for licensing, and therefore the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0